

Journal of the House

Tuesday, March 23, 2021

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. James of Manchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 30

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 1. An act relating to extending the baseload renewable power portfolio requirement.

S. 15. An act relating to correcting defective ballots.

S. 16. An act relating to the creation of the Task Force on School Exclusionary Discipline Reform.

S. 115. An act relating to making miscellaneous changes in education laws.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 27. House concurrent resolution recognizing July 2021 as Park and Recreation Month in Vermont and designating July 16, 2021 as Vermont Park and Recreation Professionals Day.

H.C.R. 28. House concurrent resolution honoring Dr. William Ashe for his leadership and service on behalf of Vermonters with developmental and intellectual disabilities.

Committee Bill Introduced**H. 436**

By the Committee on Ways and Means,

House bill, entitled

An act relating to miscellaneous changes to Vermont's tax laws

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Committee Bill Introduced**H. 437**

By the Committee on Ways and Means,

House bill, entitled

An act relating to changes that affect the revenue of the State

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Committee Bill Introduced; Referred to Appropriations**H. 438**

By the Committee on Corrections and Institutions,

House bill, entitled

An act relating to capital construction and State bonding

Pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Committee Bill Introduced**H. 439**

By the Committee on Appropriations,

House bill, entitled

An act relating to making appropriations for the support of government

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

To the Committee on Energy and Technology.

S. 15

Senate bill, entitled

An act relating to correcting defective ballots

To the Committee on Government Operations.

S. 16

Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

To the Committee on Education.

S. 115

Senate bill, entitled

An act relating to making miscellaneous changes in education laws

To the Committee on Education.

Bill Referred to Committee on Appropriations

H. 157

House bill, entitled

An act relating to registration of construction contractors

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 313

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

H. 431

House bill, entitled

An act relating to miscellaneous energy subjects

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered**H. 360**

Rep. Sibiliala of Dover spoke for the Committee on Energy and Technology.

House bill, entitled

An act relating to accelerated community broadband deployment

Rep. Elder of Starksboro for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Feltus of Lyndon for the Committee on Appropriations recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, findings and intent, in subsection (a), by adding subdivision (18) to read as follows:

(18) The Department of Public Service estimates that 82 percent of Vermont addresses (254,000 locations) lack access to 100 Mbps symmetrical service. The total cost to provide 100 Mbps symmetrical service to each of these locations is approximately \$1,000,000,000.00. This figure is based on estimates in the Magellan Advisors' report commissioned by the Department, and it includes estimates of both fixed and variable capital costs for fiber to the premise infrastructure (*Feasibility Study of Electric Companies Offering Broadband in Vermont*, dated December 31, 2019).

Second: In Sec. 2, 30 V.S.A. chapter 91A, in section 8087, the Community Broadband Preconstruction Grant Program, by adding subsection (c) to read as follows:

(c) To ensure the expeditious allocation of funds prior to the organization of the Vermont Community Broadband Authority, the Department of Public Service is authorized to allocate up to \$9,000,000.00 under this Program on or before September 30, 2021.

Third: In Sec. 2, 30 V.S.A. chapter 91A, by striking out section 8088 in its entirety and inserting in lieu thereof a new section 8088 to read as follows:

§ 8088. CONSTRUCTION GRANT AND SUBORDINATED DEBT

PROGRAM

(a) The Authority shall establish the Construction Grant and Subordinated Debt Program for communications union districts to support projects that are consistent with the funding priorities established in section 8086 of this chapter, including by supplementing financing under the Vermont Economic Development Authority's Broadband Expansion Loan Program.

(b) Lending and grant decisions under this section shall be made by the Vermont Community Broadband Authority Board of Directors. The Vermont Economic Development Authority shall service all loans made pursuant to this section. In the event of default by a loan recipient, the Vermont Economic Development Authority shall consult with the Vermont Community Broadband Authority prior to commencing any collection action.

Fourth: In Sec. 4a, position transfer, after the first sentence, by adding a new second sentence to read as follows: The position shall remain in the classified service created in 3 V.S.A. chapter 13.

Fifth: By striking out Sec. 23, appropriations; fund transfers, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. APPROPRIATIONS; GRANT ADMINISTRATION

(a)(1) To the extent necessary, for appropriations using federal funds provided to the State by the American Rescue Plan Act of 2021 (ARPA), the Commissioner of Finance and Management is authorized to expend the funds in anticipation of receipts.

(2) In fiscal year 2021, to the extent permitted by federal law and guidance, \$150,000,000.00 of federal funds allocated to the State by the ARPA shall be appropriated as follows:

(A) \$30,000,000.00 to the Vermont Community Broadband Fund to support the Community Broadband Preconstruction Grant Program established in Sec. 2, 30 V.S.A. § 8087, of this act;

(B) \$120,000,000.00 to the Vermont Community Broadband Fund to support the Construction Grant and Subordinated Debt Program established in Sec. 2, 30 V.S.A. § 8088, of this act; and

(3) In fiscal year 2021, to the extent permitted by federal law and guidance, \$100,000.00 of federal funds allocated to the State by the ARPA shall be appropriated to the Department of Labor to support the broadband occupational needs survey required by Sec. 20 of this act and the broadband installer apprenticeship program established in Sec. 22 of this act as follows:

(A) \$3,000.00 to finance the development of the apprenticeship program;

(B) \$90,000.00 to support the related instruction tuition and on-the-job training contracts with employer-sponsors under the apprenticeship program; and

(C) \$7,000.00 to support non-federally funded work related to developing, conducting, and reporting on the occupational needs survey.

(c) In fiscal year 2022, the Authority is authorized to expend \$500,000.00 in anticipated receipts pursuant to 30 V.S.A. § 7523(b) (0.4 percent of the Vermont Universal Service Charge) to support the start-up costs of the Vermont Community Broadband Authority.

(d) The Vermont Community Broadband Authority shall be redesignated as the responsible entity for administering the \$1,000,000.00 grant award to the Department of Public Service by the Northern Border Regional Commission (NBRC) for the purpose of supporting communications union districts. Any position funded by the grant shall be overseen and managed by the Authority in a manner that is consistent with grant terms and conditions.

Having appeared on the Calendar one day for Notice, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time? **Reps. Marcotte of Coventry, Jerome of Brandon, Kimbell of Woodstock, Kitzmiller of Montpelier, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel** moved to amend the bill as follows:

In Sec. 2, 30 V.S.A. § 8083, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) In making appointments of public members, the appointing authorities shall coordinate to ensure that at least one of the public members has expertise in the area of finance. In addition, the appointing authorities shall give consideration to persons with knowledge of communications technology; communications law and policy; broadband deployment in rural, high-cost areas; and electric utility law and policy. However, the public members may not be persons with a financial interest in or owners, employees, or members of a governing board of an Internet service provider or a communications union district. The conflict of interest provision in this subsection shall not be construed to disqualify a member who has ownership in a mutual fund, exchange traded fund, pension plan, or similar entity that owns shares in such enterprises as part of a broadly diversified portfolio.

Which was agreed to.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Pending the question, Shall the bill be read a third time? **Rep. Briglin of Thetford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 145. Nays, 1.

Those who voted in the affirmative are:

Achey of Middletown Springs	Goslant of Northfield	O'Brien of Tunbridge
Ancel of Calais	Grad of Moretown	Ode of Burlington
Anthony of Barre City	Graham of Williamstown	Page of Newport City
Arrison of Weathersfield	Gregoire of Fairfield	Pajala of Londonderry
Austin of Colchester	Hango of Berkshire	Palasik of Milton
Bartholomew of Hartland	Harrison of Chittenden	Parsons of Newbury
Batchelor of Derby	Higley of Lowell	Partridge of Windham
Beck of St. Johnsbury	Hooper of Montpelier	Patt of Worcester
Birong of Vergennes	Hooper of Randolph	Pearl of Danville
Black of Essex	Hooper of Burlington	Peterson of Clarendon
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bock of Chester	Howard of Rutland City	Redmond of Essex
Bongartz of Manchester	James of Manchester	Rogers of Waterville
Bos-Lun of Westminster	Jerome of Brandon	Rosenquist of Georgia
Brady of Williston	Jessup of Middlesex	Satcowitz of Randolph
Brennan of Colchester	Killacky of South Burlington	Savage of Swanton
Briglin of Thetford	Kimbell of Woodstock	Scheu of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Scheuermann of Stowe
Brownell of Pownal	Kornheiser of Brattleboro	Shaw of Pittsford
Brumsted of Shelburne	LaClair of Barre Town	Sheldon of Middlebury
Burditt of West Rutland	LaLonde of South Burlington	Sibilia of Dover
Burke of Brattleboro	Lanpher of Vergennes	Sims of Craftsbury *
Burrows of West Windsor	Lefebvre of Newark	Small of Winooski
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of Derby
Canfield of Fair Haven	Leffler of Enosburgh	Smith of New Haven
Chase of Colchester	Lippert of Hinesburg	Squirrell of Underhill
Christie of Hartford	Long of Newfane	Stebbins of Burlington
Cina of Burlington	Marcotte of Coventry	Stevens of Waterbury
Coffey of Guilford *	Martel of Waterford	Strong of Albany
Colburn of Burlington	Martel of Franklin *	Sullivan of Dorset
Colston of Winooski	Masland of Thetford	Surprenant of Barnard
Conlon of Cornwall	Mattos of Milton	Taylor of Colchester
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Terenzini of Rutland Town
Corcoran of Bennington	McCormack of Burlington	Till of Jericho
Cordes of Lincoln	McCoy of Poultney	Toleno of Brattleboro
Cupoli of Rutland City	McCullough of Williston	Toof of St. Albans Town
Dickinson of St. Albans Town	McFaun of Barre Town	Townsend of South Burlington
Dolan of Essex	Morgan, L. of Milton	Troiano of Stannard
Dolan of Waitsfield	Morgan, M. of Milton	Vyhovsky of Essex
Donahue of Northfield	Morrissey of Bennington	Walz of Barre City
Donnally of Hyde Park	Mrowicki of Putney	Webb of Shelburne
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	White of Bethel
Elder of Starksboro	Murphy of Fairfax	White of Hartford
Emmons of Springfield	Nicoll of Ludlow	Whitman of Bennington
Fagan of Rutland City	Nigro of Bennington	Williams of Granby
Feltus of Lyndon	Norris of Sheldon	Wood of Waterbury
	Norris of Shoreham	Yacovone of Morristown
		Yantachka of Charlotte

Gannon of Wilmington	Notte of Rutland City
Goldman of Rockingham	Noyes of Wolcott

Those who voted in the negative are:

Morris of Springfield *

Those members absent with leave of the House and not voting are:

Helm of Fair Haven	Pugh of South Burlington	Seymour of Sutton
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Rep. Coffey of Guilford explained her vote as follows:

“Madam Speaker:

Without high-speed internet, rural economies wither, young people seek better opportunity elsewhere, and many older Vermonters become more isolated and left behind. We are at a historic moment to bridge the urban-rural divide and bring rural Vermont up to 21st century speed. I enthusiastically vote yes.”

Rep. Martin of Franklin explained his vote as follows:

“Madam Speaker:

I voted yes to this bill because I recognize the importance of reaching the last mile in broadband coverage. I hope that the CUD’s work closely with independent ISP’s who have worked so hard to provide internet to its people over the years. In my own town our telephone company has provided exceptional fiber service to its customers for many years and I hope that this bill will ultimately provide the resources these companies need to reach that last mile.”

Rep. Morris of Springfield explained his vote as follows:

“Madam Speaker:

I truly support the underlying intent of this bill to bring high-speed broadband service to our remote areas for connecting all Vermonters to the world. However, by excluding the private Internet Service Provider companies, that arguably have installed much of the existing infrastructure and eliminating them from the benefit of this bill, all Vermonters will not be served. We want all our remote learners and business employees to have adequate broadband service, private business is needed to make this happen.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

H. 360 offers a clear and bold community-based strategy for achieving universal access to broadband. The promise of modern communications has

bypassed too many of our rural communities in Vermont. I was proud to vote yes because we have a one-in-a-generation opportunity to finally address our digital divide.”

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 430

Rep. Black of Essex spoke for the Committee on Health Care.

House bill, entitled

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status

Rep. Yacovone of Morristown for the Committee on Appropriations recommended that the bill ought to pass when amended as follows:

By striking out Secs. 2–4 in their entirety and inserting in lieu thereof three new sections to be Secs. 2–4 to read as follows:

Sec. 2. AGENCY OF HUMAN SERVICES; OUTREACH AND PROVIDER GRANTS; IMPLEMENTATION; APPROPRIATION

(a) The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes:

(1) grants or reimbursements, or both, to health care providers for delivering health care services during fiscal year 2022 to children and pregnant individuals who are undocumented immigrants;

(2) grants to Vermont organizations that work with members of Vermont’s undocumented immigrant community or with members of the health care provider community to provide outreach and information regarding opportunities for children and pregnant individuals in Vermont who are undocumented immigrants to access health care services at low or no cost in fiscal year 2022 and thereafter; and

(3) implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the Dr. Dynasaur expansion as set forth in 33 V.S.A. § 1901c beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR EXPANSION; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of expanding Dr. Dynasaur eligibility to undocumented immigrants pursuant to 33 V.S.A. § 1901c beginning on July 1, 2022 as part of

the Agency's fiscal year 2023 budget presentation to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare.

Sec. 4. EFFECTIVE DATES

(a) Sec. 2 (Agency of Human Services; outreach and provider grants; implementation; appropriation) shall take effect on July 1, 2021.

(b) The remaining sections shall take effect on passage, with the Agency of Human Services making coverage available to eligible undocumented immigrants under Dr. Dynasaur in accordance with Sec. 1 (33 V.S.A. § 1901c) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

Having appeared on the Calendar one day for Notice, was taken up, read the second time, the report of the Committee on Appropriations agreed to, and third reading ordered.

Recess

At twelve o'clock and fifty-four minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

Committee Bill; Second Reading; Third Reading Ordered

H. 433

Rep. Lanpher of Vergennes spoke for the Committee on Transportation.

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Rep. Long of Newfane presiding.

Rep. Helm of Fair Haven for the Committee on Appropriations recommended the bill ought to pass.

Having appeared on the Calendar one day for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 31

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 20. An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

S. 47. An act relating to motor vehicle manufacturers, dealers, and warranty or service facilities.

In the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 117. An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 20. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 5. Joint resolution authorizing, subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program to use the State House.

And has adopted the same in concurrence.

Adjournment

At two o'clock and twelve minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.